

**From:** joseph waske <[jwaske3@yahoo.com](mailto:jwaske3@yahoo.com)>  
**Sent:** Thursday, April 9, 2020 6:34 PM  
**To:** NYSBMID\_CaseFiling <[CaseFiling@nysb.uscourts.gov](mailto:CaseFiling@nysb.uscourts.gov)>  
**Subject:** RE: Notice of Hearing Docket #60498 Consideration Case 08-13555 Lehman Brothers Holdings Inc.

Dear Honorable Judge Chapman,

I am writing you this electronic letter in regards to the "Notice of Hearing" with the date set for June 3<sup>rd</sup>, 2020 at 10am, docket #60498. My request was for a hearing regarding docket #60484 only, which is the Motion for Summary Judgment. When the Notice of Hearing was issued, docket #60448 "Motion to Reserve" is now included.

Additionally, within the "Notice of Hearing," responses for both motions are due by May 18<sup>th</sup>, 2020. The Plan Administrator failed to respond to the Motion to Reserve within the period of time of 21 days as per Federal Rules of Civil Procedures Pursuant to Rule 12(a)(1)(A)(i). The Plan Administrator was served on February 19<sup>th</sup>, 2020 (details on docket #60484) and responded to the Motion to Reserve on March 24<sup>th</sup>, 2020 which is 34 days from the date of service. The Plan Administrator should not be given the opportunity to respond to the Motion to Reserve because of the failure to act. Allowing the Plan Administrator to respond to the Motion to Reserve would trump the Motion for Summary Judgment and put my arguments at a disadvantage because it would equate to giving the Plan Administrator a free pass.

I request that the Honorable Court set the hearing as per my original request to only include docket # 60484, Motion for Summary Judgment and exclude docket #60448, Motion to Reserve. The Motion for Summary Judgment should be given priority given the Plan Administrator did not comply with Federal Rules of Civil Procedures Pursuant to Rule 12(a)(1)(A)(I).

Thank you for your consideration.

Respectfully and sincerely,

Joseph Waske

REQUEST DENIED. Hearing shall proceed as noticed per Docket 60498.

Date: April 14, 2020

/S/ Shelley C. Chapman  
UNITED STATES BANKRUPTCY JUDGE

**Certificate of Notice Pg 2 of 2**  
United States Bankruptcy Court  
Southern District of New York

In re:  
Lehman Brothers Holdings Inc.  
Debtor

Case No. 08-13555-scc  
Chapter 11

**CERTIFICATE OF NOTICE**

District/off: 0208-1

User:  
Form ID: pdf001

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Apr 14, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 16, 2020.

unk +Joseph Waske, 22862 Via Genoa, Dana Point, CA 92629-3416

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Apr 16, 2020

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 14, 2020 at the address(es) listed below:  
NONE. TOTAL: 0